IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 13915 of 2007(F)

PETITIONERS:

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1. M.P. SASIDHARAN,
   35/503 C, THIRUVONAM, MAMANGALAM,
   PALARIVATTOM P.O., KOCHI-35.

2. ASHA SASIDHARAN, W/O.M.P. SASIDHARAN,
   35/503 C, THIRUVONAM, MAMANGALAM,
   PALARIVATTOM P.O., KOCHI-35.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS:

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1. STATE BANK OF INDIA,
   COMMERCIAL BRANCH, ERNAKULAM,
   REPRESENTED BY ITS CHIEF MANAGER.

2. THE AUTHORISED OFFICER (CHIEF MANAGER),
   STATE BANK OF INDIA, COMMERCIAL BRANCH,ERNAKULAM.

ADDL.R3. T.S.SANAL,
THANDASSERY HOUSE,
VADUTHALA, ERNAKULAM.

ADDL.R3 IS IMPLEADED AS PER ORDER DTD.31.5.2007 BY SSJ(J)

BY ADV. SRI.K.P.SREEKUMAR
SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN
BY ADV. SRI.K.K.CHANDRAN PILLAI.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION

ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING:

S.SIRI JAGAN, J.

W.P(C) NO.13915 OF 2007

Dated this the 7th day of June, 2007

J U D G M E N T

The petitioners challenge the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. I am not inclined to consider this writ petition now since the petitioner had earlier approached this Court by filing W.P.(C) No.19149 of 2006 in which I had rendered Ext.P11 judgment which reads as follows:-

> "Petitioners challenge the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act in this writ petition. However, the petitioners' claim in this writ petition is only for time to pay the defaulted amount in repayment. Petitioners now confine their prayer for three months' time to pay off the entire balance amount due.
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> 2. I have heard the learned counsel for the petitioners as also the learned Standing counsel appearing for the Bank.
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> 3. As a matter of indulgence, I am inclined to grant three more months' time from today to the petitioners to pay off the said amount. Accordingly, I direct the respondents to grant the petitioners three more months' time from today to pay off the amount due as balance towards repayment of the loan taken by

them. Needless to say, if the petitioners do not pay the same within the said three months, the respondents would be free to continue the proceedings already initiated without having to issue fresh notice or initiating fresh proceedings.

The writ petition is disposed of as above."

2. As can be seen from the above quoted judgment, I had permitted respondents to continue with the proceedings if the petitioners do not pay the amounts as undertaken before me. Admittedly, the petitioners have not paid the amount as undertaken. That being so, the latter portion of my judgment comes into force. Since the proceedings taken by the respondents are in accordance with my judgment which has become final, this writ petition itself is not maintainable and accordingly, the same is dismissed.

Sd/-
S.SIRI JAGAN,
Judge

Mbs/